

HON. MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROTOUCH, L.L.C. and 30/10 WEIGHT LOSS,
LLC,

Plaintiffs,

vs.

PAIGE DOYLE, AWAKEN 180 INC., NEWTON
WEIGHTLOSS, LLC, PEABODY WEIGHTLOSS,
LLC, QUINCY WEIGHTLOSS, LLC, and
SEEKONK WEIGHTLOSS, LLC,

Defendants.

PAIGE DOYLE, AWAKEN 180 INC., NEWTON
WEIGHTLOSS, LLC, PEABODY WEIGHTLOSS,
LLC, QUINCY WEIGHTLOSS, LLC, and
SEEKONK WEIGHTLOSS, LLC,

Counterclaimants/Third Party
Plaintiffs,

vs.

MICROTOUCH, L.L.C. and 30/10 WEIGHT LOSS,
LLC,

Counterclaim Defendants,

and

DR. ROCCO NELSON, an individual; and DR.
LINDA DEGROOT (and their marital community);
and one or more JOHN DOES, currently not known
to Third Party Plaintiffs,

Third Party Defendants.

CASE NO. 2:17-cv-00996-MJP

**STIPULATION AND ~~ORDER~~
ORDER TO EXTEND THE
DISCOVERY CUTOFF FOR
LIMITED PURPOSE OF
COMPLETING DEPOSITIONS**

Plaintiffs Microtouch, L.L.C. and 30/10 Weight Loss, LLC, and Defendants Paige Doyle, Awaken 180 Inc., Newton Weightloss, LLC, Peabody Weightloss, LLC, Quincy Weightloss, LLC, and Seekonk Weightloss, LLC, for good cause detailed below, jointly move the Court to extend the discovery deadline in this matter by three (3) weeks—from July 13, 2018 to August 3, 2018—for the limited purpose of completing lay and expert witness depositions. All Parties are in agreement and do not oppose the extension of the discovery deadline for this purpose. Accordingly, pursuant to LCR 10(g), the Parties submit this stipulation:

I. PERTINENT FACTS

On or about December 11, 2017, this Court set July 13, 2018 as the deadline for the completion of discovery. This deadline remains in place today. The Parties are working to complete document discovery by this date, but have reached an agreement to schedule depositions beyond the discovery date to ensure there is sufficient time to complete document production and review of documents before deposing witnesses, and to facilitate the scheduling of lay and expert depositions.

II. ARGUMENT

Good cause exists for extending the discovery date at issue. The Parties have been working to ensure that production of documents can be completed by the existing discovery cutoff of July 13, 2018. The Parties have met and conferred on the remaining ESI sources for document discovery, and have been in contact regarding anticipated timelines for these ESI and document productions. It is clear from these communications that the Parties may require until July 13, 2018 to complete their document search and production processes.

While discovery is progressing through the Parties' cooperation, the Parties anticipate that an additional three weeks will be required to complete deposition discovery. Both Plaintiffs and Defendants wish to take depositions in this case of lay and expert witnesses, and will need

additional time after document production is complete to review documents and prepare for these depositions. For example, Plaintiffs want to depose Defendant Paige Doyle, but will require receipt of her documents before they are able to do so in a productive manner. Defendants will not be able to complete their production of all responsive documents until the present July 13 deadline. If Plaintiffs are forced to depose key witnesses before those witnesses' document productions are complete, this could result in hardship and could even result in the unfortunate need to reopen or take additional depositions regarding newly disclosed evidence, resulting in unnecessary burden and delay.

To date, the Parties have worked together to schedule depositions throughout the month of July and have reached an agreement on proposed dates for the depositions of key lay witness and expert witness depositions. All of the proposed depositions can be completed on or before August 3, 2018. This brief three-week extension to complete deposition discovery would not result in the need to modify any other remaining deadlines, and would ensure that fair and fulsome discovery is achieved.

This Court thus has good cause to extend the deadline for completion of lay and expert depositions.

III. CONCLUSION

For all of the foregoing reasons, this Court should grant this Stipulation and extend the discovery deadline to August 3, 2018 for the limited purpose of conducting deposition discovery:

<u>Event</u>	<u>Current Deadline</u>	<u>Requested Extended Deadline</u>
Deadline to Complete Document Discovery	July 13, 2018	Unchanged
Deadline to Complete Deposition Discovery	July 13, 2018	August 3, 2018

All other deadlines will remain unchanged. IT IS SO STIPULATED.

DATED this 26th day of June, 2018.

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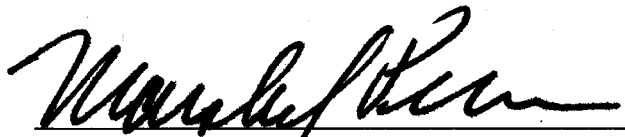
*Attorneys for Defendants, Counterclaimants,
and Third Party Plaintiffs*

IV. ORDER

Based on the foregoing Stipulation, and good cause appearing, therefore,

IT IS SO ORDERED.

DONE IN OPEN COURT this 28th day of June, 2018.



HONORABLE MARSHA J. PECHMAN
United States District Judge

Presented by:
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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED at Seattle, Washington, this 26th day of June, 2018.

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